

Service Date: May 30, 1989

FINAL ORDER NO. 5930

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of	)	DOCKET NO. T-9333
WILLIAM E. GOERTZ AND LYNN E. GOERTZ	)	
JR., A PARTNERSHIP DBA GOERTZ BROS.,	)	
Dodson, Montana, for a Montana	)	ORDER NO. 5930
Intrastate Certificate of Public	)	
Convenience and Necessity.	)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On November 23, 1988, William E. Goertz and Lynn E. Goertz, Jr., a Partnership dba Goertz Bros., HC 64, Box 4075, Dodson, Montana 59524 filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of lumber, pipe and other general commodities compatible to flat bed equipment, Class C, between points in Blaine, Valley, Phillips, Sheridan, Roosevelt, Garfield, Yellowstone, Cascade, Missoula, Fergus, Flathead and Judith Basin Counties. Limitation: Transportation must originate or terminate in Blaine, Phillips, Valley, Roosevelt or Sheridan

Counties.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public December 7, 1988. That notice said in pertinent part:

If no written protests are received by December 27, 1988, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant. The application included affidavits of support.

3. Protests were filed by Montana Carriers, Inc., Billings, Montana; Bob Boyd Trucking, Inc., Livingston, Montana; Americana Expressways, Inc., Great Falls, Montana; Ed Marks Trucking, Inc., Kalispell, Montana; Getter Trucking, Inc., Billings, Montana.

4. On February 10, 1989, Applicant amended his application to restrict transportation to full flat bed loads of feed, fertilizer and building materials limited to the accounts of United Building Center (Malta, MT); Northern Ag Service, (Malta, MT); United Building Center, (Glasgow, MT); Harlem Lumber Co., (Harlem, MT); Boise Cascade, (Billings, MT); and United Building Center, (Billings, MT). Protestants Getter Trucking, Inc. and Montana Carriers, Inc. withdrew their protests to the docket based upon the Commission's acceptance of that amendment.

5. The Commission issued Notice of Public Hearing on April 4, 1989, scheduling Docket T-9333 for public hearing to be held

April 25, 1989, in Dodson, Montana. On April 6, 1989, Applicant requested that the hearing be held in Helena, Montana, rather than Dodson. On April 10, 1989, an Amended Notice of Public Hearing was issued reflecting the change in hearing location to Helena, Montana.

6. On April 14, 1989, Applicant further restricted his application to delete any proposed transportation within Missoula, Flathead and Cascade Counties. Protestant Bob Boyd Trucking, Inc. subsequently withdrew his protest to the docket.

7. On April 24, 1989, Applicant and protestants Americana Expressways, Inc. and Ed marks Trucking, Inc. agreed to the following amended application:

Class C - Full flat bed loads of feed, fertilizer and building materials between points in Blaine, Valley, Phillips, Sheridan, Roosevelt, Garfield, Yellowstone, Fergus and Judith Basin Counties.

Limitations:

1. Transportation must originate or terminate in Blaine, Phillips, Valley, Roosevelt or Sheridan Counties.

2. Transportation is limited to that provided for the following accounts only:

- 1) United Building Center (Malta, Montana)
- 2) Northern Ag Service (Malta, Montana)
- 3) United Building Center (Glasgow, Montana)
- 4) Harlem Lumber Co. (Harlem, Montana)

- 5) United Building Center (Billings, Montana)
- 6) Boise Cascade (Billings, Montana), with this account further limited to transportation terminating only at the United Building Center yards located in Malta, Harlem, Glasgow, and Wolf Point, Montana.

The hearing was therefore cancelled.

8. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620-2601.

#### CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

#### ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 30th day of May, 1989, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9333, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of WILLIAM E. GOERTZ AND LYNN E. GOERTZ, JR., A PARTENRSHIP, DBA GOERTZ BROS., Dodson, Montana for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class C - Full flat bed loads of feed, fertilizer and building materials between points in Blaine, Valley, Phillips, Sheridan, Roosevelt, Garfield, Yellowstone, Fergus and Judith Basin Counties.

Limitations:

1. Transportation must originate or terminate in Blaine, Phillips, Valley, Roosevelt or Sheridan Counties.
2. Transportation is limited to that provided for the following accounts only:
  - 1) United Building Center (Malta, Montana)
  - 2) Northern Ag Service (Malta, Montana)
  - 3) United Building Center (Glasgow, Montana)
  - 4) Harlem Lumber Co. (Harlem, Montana)
  - 5) United Building Center (Billings, Montana)
  - 6) Boise Cascade (Billings, Montana), with this account further limited to transportation terminating only at the United Building Center yards located in Malta, Harlem, Glasgow, and Wolf Point, Montana.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 30th day of

May, 1989, by a vote of    5 - 0    .

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

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CLYDE JARVIS, Chairman

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HOWARD L. ELLIS, Vice Chairman

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JOHN B. DRISCOLL, Commissioner

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DANNY OBERG, Commissioner

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WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Purcell  
Acting Commission Secretary

(SEAL)

NOTE:            Any interested party may request the Commission to  
                 reconsider this decision.    A motion to reconsider

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must be filed within ten (10) days. See 38.2.4806,  
ARM.